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ABSTRACT

These five mazes, with instruction manual, are designed to facilitate counselors' understanding of potential consequences and their ability to make appropriate legal and ethical decisions as helping professionals. Each maze consists of a problem situation similar to ones that might actually occur in a counseling situation, followed by several possible choices of action. The students, working in dyads, choose a course of action, then are presented with the consequences and required to make other choices based on the new situation, and so on. This format requires the students to explore many possible ways of handling a situation, and learn about the legal and ethical implications of each. The materials are useful for practicing counselors as well as counselor educators. The instruction manual presents a rationale, objectives, administrative procedures, and suggestions for processing. (Author/BP)

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LEGAL AND ETHICAL ASPECTS OF COUNSELING.

BY

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INTRODUCTION

Rationale

There is little doubt that counselors are frequently faced with ethical and legal dilemmas; the question of what do you do, when, and with whom can be very difficult and have serious consequences. These dilemmas exist for the practicing counselor who is constantly confronting new situations with clients, staff, and community, and they also exist for the educator who has an obligation to train counselors to function effectively and knowledgeably in these areas.

In many counselor education programs, the legal and ethical aspects of counseling are not taught as part of the formal program; however, it is potentially dangerous to wait and teach these concepts in a practicum or internship setting. Worse yet, in many cases these skills are not taught at all, leaving the counselor to depend upon his judgment as a professional or to learn the "do's and don't's" on his own.

There are many reasons why legal and ethical aspects of counseling are difficult to teach. The laws governing counselor behavior are sometimes hard to understand, open to interpretation, or in many cases they are different from state to state. For these reasons it is usually true that only those educators or counselors who have made a concerted effort to familiarize themselves with the laws or have had first-hand experience defending their actions know

the legal ground upon which they stand. Even then, it is advisable to consult a local attorney when the situation warrants. The ethical guidelines which are available are just that -- guidelines. The practicing counselor must interpret these guidelines and make decisions as to whether or not his behavior is appropriate.

Both laws and ethics are designed to govern our behavior. Laws prevent infringement on the rights of others. Ethics are moral principles of right action and set high standards of conduct in relation to ourselves, our profession and our clients. For example, privileged communication and confidentiality are generally thought of to mean the same thing; however, in actuality, there is a distinct difference. Privileged communication is a legal term referring to the right that specific persons have not to reveal certain information even in a court of law, e.g., communications between a attorney and his client, or between a priest and penitent. Confidentiality is an ethical term referring to an individual's decision not to reveal to others information learned in private.

Objectives

These Action Mazes were developed to meet the following objectives:

1. To present legal and ethical situations a counselor may face;
2. To provoke discussion covering legal and ethical issues;
3. To stimulate individual decision-making in simulated real-life experiences;

4. To demonstrate the implications of the counselor's behavior as he makes decisions;
5. To increase competencies in making decisions based on legal and ethical considerations;
6. To provide an experiential way of teaching these concepts.

These objectives are accomplished by having the student assume the role of the counselor in the Action Maze. The counselor will be presented with a legal or ethical situation and required to select a course of action. By following the instructions in the Maze, the counselor will be directed to another page where he will be presented with the logical result of his behavior. With each successive decision, the counselor will work his way through the counseling Action Maze.

ADMINISTRATION PROCEDURES

Although there are a variety of instructional ways the Mazes may be used, the following suggestions have been found to be very effective.

Materials Needed: Each person should have a pencil or pen, paper, and one copy of the Maze to be discussed.

Physical Setting: The physical setting should allow as much undisturbed interaction as possible. The more privacy a dyad has, the more uninhibited discussion will usually take place and the less contamination of ideas between dyads will occur.

Time Requirements: The time requirements for each Maze depend upon the skills of the students. Generally this ranges between 20 and 45 minutes for the dyads, and 30 to 45 minutes to process the exercise as a large group. This means that the total time needed for each Maze is between 50 and 90 minutes. This time-range can be manipulated by the instructor to meet class-time requirements, if necessary.

Specific Instructions

1. HAVE THE STUDENTS PAIR-UP INTO DYADS. TELL THEM TO CHOOSE SOMEONE THEY WOULD LIKE TO WORK WITH THROUGHOUT THE EXERCISE. If there are an uneven number of people in the total group, it is suggested that as many dyads be formed as possible with one group of three. Research with this instrument has indicated that dyads are the most productive way to teach when using the Maze. If stu-

dents work through a Maze individually, they may not fully consider the choices they make, they may not be as committed to the decisions, and they will not have the opportunity to talk to someone else about the rationale for each decision. If students work through a Maze in groups larger than dyads, there is a tendency for one or two people to dominate the decision-making, each individual does not feel as committed to the decisions, the phenomena of group dynamics is introduced to the process and can interfere with the decision-making, and there is a tendency for people to hold back their opinion.

2. INSTRUCT THE STUDENTS NOT TO OPEN THE BOOKS THEY ARE TO RECEIVE UNTIL THEY ARE TOLD TO DO SO.
3. DISTRIBUTE A COPY OF THE ACTION MAZE BEING USED TO EACH STUDENT.
4. HAVE THEM OPEN THEIR BOOKS TO THE INTRODUCTORY PAGE AND READ TO THEM THE INSTRUCTIONS FROM THAT PAGE AS THEY FOLLOW IN THEIR BOOK.
5. HAVE THEM TURN TO PAGE 1 AND READ TO THEM THE INITIAL SITUATION.
6. REVIEW THE INSTRUCTIONS BRIEFLY AS THEY RELATE TO THE CHOICES ON PAGE 1. ANSWER ANY QUESTIONS TO CLARIFY THE INSTRUCTIONS.
7. EMPHASIZE THAT THEY ARE TO KEEP A RECORD OF THE PAGES THEY CHOOSE. This will facilitate a discussion later. EACH PERSON SHOULD ALSO RECORD THEIR REASON FOR EACH CHOICE MADE.

This helps each person to clarify the rationale for their behavior and reduces the possibility of making a choice without a clear-cut reason.

8. INSTRUCT EACH DYAD TO DISCUSS THE SITUATION AS IT IS PRESENTED IN THE MAZE AND TO EXPLORE THE ADVANTAGES AND DISADVANTAGES OF EACH CHOICE LISTED. WHEN THEY HAVE REACHED A MUTUALLY AGREED-UPON DECISION, THEY ARE TO RECORD THEIR REASON FOR THAT DECISION (AND PAGE NUMBER) AND PROCEED TO THE PAGE INDICATED BY THAT CHOICE. UNDER NO CIRCUMSTANCES ARE THEY TO TURN TO THE PAGE THEY SELECT UNTIL AFTER THEY HAVE RECORDED THEIR CHOICE, AND UNDER NO CIRCUMSTANCES ARE THEY TO TURN TO ANY PAGE OTHER THEN THE ONE THEY SELECTED. THE ONLY EXCEPTION TO THIS RULE IS THAT STUDENTS MAY CONSULT THE APGA ETHICAL STANDARDS WHICH COMPRISE THE LAST SEVEN PAGES IN EACH MAZE BOOKLET.
9. ANSWER ANY QUESTIONS TO CLARIFY THE INSTRUCTIONS, AND THEN, TELL THEM TO BEGIN WORK IN THEIR DYADS.
10. THE INSTRUCTOR SHOULD CIRCULATE BETWEEN THE DYADS PERIODICALLY TO ANSWER PROCEDURAL QUESTIONS, TO INSURE THAT EACH DYAD IS FOLLOWING DIRECTIONS, AND TO MAINTAIN AN AWARENESS OF THE PROGRESS OF EACH GROUP.

PROCESSING

After all of the dyads have completed the Maze, the students should be recalled into a large group. One way to process the Maze is to discuss the decisions on page one, then proceed to the page which was incorrect to demonstrate the effects of the choice. In some cases, the choice may be "incorrect," but the effects of the choice could have been avoided.

At some points the group will diverge in their choices, but the Maze will bring them back together later. It is possible to take the different routes and, when they later converge, go back and trace the other groups' paths. The instructor should be familiar enough with the Maze to know the divergent and convergent points and utilize this knowledge in the process routes.

At each decision point each dyad should be encouraged to discuss their rationale for the choice made. The Mazes are intentionally designed to present only the <u>behavior</u> of the counselor -- no motivational factors or reasons for their behavior are presented. This means that several people may select the same course of action, but the ethical or legal rationale may be very different for each.

At the end of each Maze are a series of questions which should be discussed in detail by the entire group. Each dyad will have their own ideas to contribute.

For these reasons it is important that, however the Maze is processed, the theme of the discussion should be the implications

of the decisions, why the choices are legally and/or ethically appropriate or inappropriate. This is the key to utilizing the Maze effectively as a teaching and learning tool.

The Alfred King Action Maze

This Maze involves a high school counselor whose client is a 17 year old senior who is being accused of involvement in a robbery. The counselor must deal with:

1. the police and other legal authorities on the issues of confidentiality and release of information;
2. the client and defining the limits of confidentiality;
3. a potential employer of the client and the release of information;
4. the principal and confidentiality;
5. a fellow-counselor and confidentiality;
6. weighing the obligation to the client and the protection of the community; and
7. parental permission in the release of information.

The Lucy Crowley Action Maze

"The Lucy Crowley Action Maze" takes place in a University graduate counselor education program. The primary person involved is a counselor education professor teaching a practicum. The other persons involved are another counselor education professor teaching a practicum, two student counselors, and two high school students. The situation revolves around a high school student telling her student counselor about the other student counselor's seemingly unprofessional behavior in the practicum setting with the other high school student. The issues involved are primarily ethical and are as follows: (1) confidentiality; (2) a counselor's responsibilities to his client, clients of other counselors and fellow counselors; (3) a professor's responsibilities to his student counselor, his student counselor's client, fellow professors, and the clients of student counselors being supervised by fellow professors, (4) a professor's responsibilities to the general populace and the institution by which he is employed.

The Danny Adams Action Maze

An elementary school is the setting for "The Danny Adams, Action Maze." An elementary school counselor is the primary person involved. Other persons involved in this situation are: two 9 year old males students, the principal, a teacher, and the parents of one of the two boys. The situation revolves around a fight between the two boys. The ethical and legal issues are as follows: the counselor's legal, and ethical responsibilities to: (1) each of the two boys, (2) the other students, (3) the school, (4) the principal, (5) the boy's parents, (6) the counselor, him or herself.